

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

---

**EXPANSION OF PROCEDURES IN ROCHESTER  
AND WATKINS GLEN TO INCLUDE MOTIONS  
BY TRUSTEES TO DISMISS A CASE FOR NON-  
APPEARANCE PURSUANT TO 11 USC §707(a)(1)  
AND REVISION TO THE GUIDE TO DEFAULT  
PROCEDURES IN ROCHESTER AND WATKINS  
GLEN**

---

**STANDING ORDER**

**(A) EXPANSION OF DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN**

The existing default procedures in Rochester and Watkins Glen are hereby expanded to include motions by Chapter 7 Trustees to dismiss a case, pursuant to 11 USC §707(a)(1), based upon the failure of the debtor(s) to appear and submit to an examination at a meeting of creditors.

- (1) Motions to dismiss made pursuant to 11 USC §707(a)(1), filed on or after **June 5, 2004**, shall include default language, conform to the requirements of the Court and be served on the parties as set forth in Exhibit "A", page "8" (attached).
- (2) At least one day prior to the return date of the motion, the Court will accept a Consent Order and a request to substitute that Consent Order for the order which accompanied the original motion papers. A cover letter must accompany a substitute Consent Order. The letter must clearly identify in **bold** the **return date** and **time** of the motion.
- (3) All responses, including opposition or withdrawal, must clearly identify in **bold** the **return date** and **time** of the motion.

**(B) REVISION TO EXHIBIT "A" - GUIDE TO DEFAULT PROCEDURES FOR MOTIONS HEARD  
IN ROCHESTER AND WATKINS GLEN**

Exhibit "A" provides a listing of the requirements and procedures for each type of motion covered by the default procedures in Rochester and Watkins Glen and may be revised by the Court from time to time. The below revisions to Exhibit "A" (attached) supersedes those as set forth in Exhibit "A" in the Court's Standing Order dated November 27, 2001.

- (1) "Special Requirements" under each motion type has been revised to relieve the movant of the burden of submitting two (2) copies of the original order. Copies of the original order will be mailed to the movant and parties in interest by the Clerk of Court.
- (2) Exhibit "A" has been updated to include §707(a)(1) motions by trustee to dismiss a case for failure to appear at the §341 meeting of creditors.

**IT IS SO ORDERED.**

Dated: June 1, 2004

  
\_\_\_\_\_  
Honorable John C. Ninfa, II  
Chief United States Bankruptcy Judge

  
\_\_\_\_\_  
Honorable Michael J. Kaplan  
United States Bankruptcy Judge

  
\_\_\_\_\_  
Honorable Carl L. Bucki  
United States Bankruptcy Judge

DEFAULT	SERVICE REQUIREMENTS	PARTIES SERVED	SPECIAL REQUIREMENTS
§554(c)-Motion by trustee excepting property of the estate from abandonment	12 days prior to the return date & filed with the Clerk at least 7 days prior to the return date. Responses shall be in writing and filed not less than 3 days prior to the return date of the motion & pursuant to FRBP 9006(a).	<u>Chapter 7</u> Debtor, debtor's attorney, UST & parties in interest.	(1) Default language must be included, (2) An original order to be submitted for determination, (3) A proposed order to be attached to the motion as an exhibit, and (4) Affidavit of service. A consent order may be submitted for proposed order, if provided to Court at least one day prior to the return date.
§707(a)(1)-Motion by trustee to dismiss a case for failure of debtor to appear at a meeting of creditors	20 days prior to the return date & filed with the Clerk at least 24 days prior to the return date. Responses must be in writing and filed not less than 3 days prior to the return date of the motion pursuant to FRBP 9006(a)	<u>Chapter 7</u> Debtor, debtor's attorney, UST & all creditors	(1) Default language must be included, (2) An original order to be submitted for determination, (3) A proposed order as an attachment. A consent order may be submitted for proposed order, if provided to Court at least one day prior to the return date.